REMARKS/ARGUMENTS

Prior to entry of this Amendment, the application included claims 1-41. No claims have been amended, canceled or added. Hence, after entry of this Amendment, claims 1-41 stand pending for examination.

Claims 1-14 and 29-38 stand rejected under 35 U.S.C. § 101 as being directed to nonstatutory subject matter.

Claims 1, 7-15, 18, 19, 21-34 and 38-41 stand rejected under 35 U.S.C. § 102(b) as being anticipated by the cited portions of U.S. Patent Publication No. 2002/0032687 to Huff ("Huff").

Claims 2 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Huff in view of the cited portions of U.S. Patent No. 4,501,559 to Griswold et al. ("Griswold").

Claims 3-6, 17, 20, 35 and 37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Huff in view of the cited portions of U.S. Patent No. 6,389,429 to Kane et al. ("Kane").

Rejections Under 35 U.S.C. § 101

The Applicants respectfully traverse the claim rejections under 35 U.S.C. § 101. Each claim produces a useful, tangible and concrete result and/or falls within one of the enumerated categories of patentable subject matter.

Claim 1 recites a method for constructing a family tree. As a method claim, claim 1 falls within one of the enumerated categories (process). Further, the method of claim 1 produces a useful, concrete and tangible result. A host computer receives data, it operates on the data by at least identifying records that identify the same person, it consolidates same person records into a single record, and responds to a request to display a family tree by creating the

family tree from the consolidated records and sending the data representation of the family tree to a user computer. This method is useful in that it reduces the complexity of a data set by eliminating duplicate same person records. It is concrete in that the process is repeatable; the same records in light of the "predetermined criteria" would be consolidated in the same manner and would produce the same family tree. The method is tangible in that the data representation is sent to a user computer at which further processing may take place. Although the further processing is beyond the scope of the claim, the processing may include displaying the family tree and/or manipulating the data representation. In either case, the data representation sent to the user computer is a tangible result that is useful to the user. Hence, claim 1 is believed to be within the scope of 35 U.S.C. § 101, and the rejection is believed to be improper.

Claims 2-14 depend from claim 1 and are, therefore, believed to be directed to statutory subject matter.

Claim 29 recites a method for creating a family tree. Like claim 1, claim 29 falls within one of the enumerated categories (process). The method of claim 29 at least receives data at a host computer, stores persona records, and responds to a request to display a family tree by performing a relationship analysis, assigning relationship types, using the persona records and relationship types to construct a family tree, and sends a file comprising the family tree to a user computer. As discussed above with respect to claim 1, the file is a useful, concrete and tangible result. Hence, the rejection of claim 29 is believed to be improper, at least for this reason. The rejection of claim 39 is believed to be improper, at least for reasons similar to those discussed above.

Claims 30-38 depend from claim 29 and are, therefore, believed to be directed to statutory subject matter.

Rejections Under 35 U.S.C. § 102(b)

The Applicants respectfully traverse the claim rejections under 35 U.S.C. § 102(b) because Huff does not teach each and every claim element, either expressly or inherently, as required for a proper rejection under 35 U.S.C. § 102(b). Claim 1 recites "comparing individual node records and identifying pairs of records having similar data; for each identified pair of individual node records, comparing related individual node records and deciding based on predetermined criteria whether the identified pair of individual node records represent the same person; [and] consolidating the information from a plurality of records determined to represent the same person into a single person record." For the consolidating step, the final Office Action cites ¶[0155], at which Huff mentions consolidating, but goes on to define consolidation to be a form of delete or hide ("The solution implemented herein is to allow all the submitted data to remain in place, but to allow for any interested person to put in a transaction to remove any particular name from the search list, a special form of a delete." ¶[0156], emphasis added; "The computer support that can be given to this splicing/hiding process is as follows. The delete transaction contains the number of the name to be deleted, the number of the replacement name, and the user number of the person submitting the transaction. To make sure that the deleting person has done his homework (and keeps it current in the future), the delete record will have an indicator that must be set on to put and keep the transaction in effect. Before the record is stored in the database and the indicator is set on, the computer first counts the connections of the old name to be deleted. It then counts the connections of the name to replace it. The new name must have at least as many links backward (plus spouse and children--sideways and forward) as does the old name. This check is not conclusive, but it ensures that the person making the deletion has done his homework. To limit search time, the search on the new name need only go back far enough to show that it is equal to or greater then the old name. Otherwise no switch is set on, and the apparent duplication continues to appear." ¶[0164]). Hence, Huff does not teach "consolidating the information from a plurality of records determined to represent the same person into a single person record." Huff teaches hiding certain records at a user's discretion.

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Hence, Huff fails to teach claim 1. Claim 15 includes a similar element and is believed to be allowable, at least for similar reasons.

The Applicants maintain that claim 39 is allowable. Claim 39 recites "perform a relationship analysis to infer relationships among persona records using the assertions of the persona records; if a relationship is inferred, assign at least one relationship type to the relationship between the records." The Office Action appears to suggest that Huff's teachings at ¶[0172] anticipate these elements. At that location, however, Huff does not teach a relationship analysis to infer relationships. Hence, claim 39 is believed to be allowable, at least for this reason. Claim 29 includes elements similar to those discussed above with respect to claim 39 and is believed to be allowable for similar reasons.

The final Office Action did not address the Applicants' arguments regarding claims 29 and 39 and is, therefore, incomplete in this regard. If the case is not advanced to allowance and the rejection is maintained on this ground, then the Applicants are entitled to an additional opportunity to rebut any arguments presented in response to this argument, since the final Office Action was incomplete.

The remaining claims depend from one of the independent claims discussed above, and are believed to be allowable, at least for the reasons stated above. Moreover, the independent claims include additional elements that further distinguish over the cited references.

Conclusion

In view of the foregoing, the Applicants believe all claims now pending in this application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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